SUPREME COURT MINUTES WEDNESDAY, APRIL 21, 2004 SAN FRANCISCO, CALIFORNIA

S123344

A102790 First Appellate District, Division Five GRAFTON PARTNERS LP v. S.C. (PRICEWATERHOUSE, LLP)
Petition for review granted

Votes: George, C.J., Kennard, Baxter, Chin,

Brown, and Moreno, JJ.

Werdegar, J., was absent and did not participate.

S123510

D041162 Fourth Appellate District, Division One BARRATT AMERICAN v. ENCINITAS, CITY OF Review granted/briefing deferred (rule 29.1)

Further action in this matter is deferred pending consideration and disposition of a related issue in *Barratt American, Inc. v. City of Rancho Cucamonga*, S117590 (see Cal. Rules of Court, rule 28.2(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Votes: George, C.J., Kennard, Baxter, Chin, Brown, and Moreno, JJ. Werdegar, J., was absent and did not participate.

S122206

B163195 Second Appellate District, B164378 Division Three A. (A.), IN RE

Petition for review & depublication request denied

Kennard, J., and Chin, J., are of the opinion the petition should be granted.

Werdegar, J., was absent and did not participate.

S122500

B163469 Second Appellate District, Division One EMMA CORP v. INGLEWOOD UNIFIED SCH DIST

Petition for review denied

Werdegar, J., was absent and did not participate.

S122517

B162513 Second Appellate District, Division Eight AMERICAN AIRLINES v. S.C. (DI MARCO) Petition for review & depublication request denied

S122564 CITI-WIDE PREFERRED COURIERS, INC. v. B160823 Second Appellate District, GOLDEN EAGLE INSURANCE CORP

Division One Petition for review denied

Werdegar, J., was absent and did not participate.

S122638 PEOPLE v. HERNANDEZ

B166166 Second Appellate District, Petition for review denied

Division Four

Werdegar, J., was absent and did not participate.

S122756 COAST COMMUNITY COLLEGE v. S.C. (CARL)

G033408 Fourth Appellate District, Petition for review denied Division Three

Werdegar, J., was absent and did not participate.

S122760 PEOPLE v. COLEMAN
P163062 Second Appellete District Petition for review denied

B163963 Second Appellate District, Petition for review denied Division Five

Werdegar, J., was absent and did not participate.

S122772 PEOPLE v. ORTIZ
H024675 Sixth Appellate District Petition for review denied

S122829 FMC/CULVER CITY DIALYSIS v. W.C.A.B. B172256 Second Appellate District, (STATE OF CALIFORNIA)

Division Two Petition for review denied

Werdegar, J., was absent and did not participate.

S122847 BOHANA (DONALD) ON H.C.

B172046 Second Appellate District, Petition for review denied

Division Six

George, C.J., and Kennard, J., are of the opinion the petition should be granted.

Werdegar, J., was absent and did not participate.

S123096 PEOPLE v. KARABAJAKYAN

B166136 Second Appellate District, Petition for review & publication request denied Division Six

Werdegar, J., was absent and did not participate.

S123114 PEOPLE v. PERRY

F040861 Fifth Appellate District Petition for review denied

Werdegar, J., was absent and did not participate.

S123126 PEOPLE v. TINOCO

B161983 Second Appellate District, Petition for review denied Division One

Werdegar, J., was absent and did not participate.

S123165 FRYE (MARK TODD) ON H.C.

H025454 Sixth Appellate District Petition for review denied

Werdegar, J., was absent and did not participate.

S123166 PEOPLE v. FRYE

H024652 Sixth Appellate District Petition for review denied

Werdegar, J., was absent and did not participate.

S123167 PEOPLE v. ARMSTRONG

C041410 Third Appellate District Petition for review denied

Werdegar, J., was absent and did not participate.

S123191 PEOPLE v. KLAT

Division Five

D041043 Fourth Appellate District, Petition for review denied

Division One

Werdegar, J., was absent and did not participate.

S123210 ARNOLD v. VERSA PRODUCTS

A099004 First Appellate District, Petition for review denied

Werdegar, J., was absent and did not participate. Chin, J., was recused and did not participate. S123239
B165806 Second Appellate District,
Division Eight TIRE DISTRIBUTORS v. S.C. (A-LINE
CONSTRUCTION & ENGINEERING INC.)
Petition for review denied

Request for judicial notice denied.
Werdegar, J., was absent and did not participate.

S123243
A099879 First Appellate District,
PEOPLE v. THOMPSON
Petition for review denied

Division Five

Werdegar, J., was absent and did not participate.

S123248
C042302 Third Appellate District
SOUTH COUNTY CITIZENS FOR RESPONSIBLE
GROWTH v. CITY OF ELK GROVE
Petition for review & partial publication request denied

Werdegar, J., was absent and did not participate.

S123282PEOPLE v. JOSEPHH024593Sixth Appellate DistrictPetition for review denied

Werdegar, J., was absent and did not participate.

S123291 PEOPLE v. BARTON
E033176 Fourth Appellate District,
Division Two

Werdegar, J., was absent and did not participate.

S123294 ACKERMAN v. CUNNINGHAM
B161051 Second Appellate District,
Division Six

ACKERMAN v. CUNNINGHAM
Petition for review denied

Werdegar, J., was absent and did not participate.

S123295 PEOPLE v. SOLIS Petition for review denied

Werdegar, J., was absent and did not participate.

S123296 SHIRES v. HERITAGE INDEMNITY
B166411 Second Appellate District,
Division Seven

631

S123300 PEOPLE v. NOBLE H025795 Sixth Appellate District Petition for review denied Werdegar, J., was absent and did not participate. S123301 STARKEY v. COVENANT CARE INC. (TOROK) B156021 Second Appellate District, Petition for review denied Division Six Werdegar, J., was absent and did not participate. T. (JACOB), IN RE S123302 F044225 Fifth Appellate District Petition for review denied Werdegar, J., was absent and did not participate. PEOPLE v. DAVALOS S123304 H025682 Sixth Appellate District Petition for review denied Werdegar, J., was absent and did not participate. S123329 PEOPLE v. PHELAN A100219 First Appellate District, Petition for review denied Division Two Werdegar, J., was absent and did not participate. PEOPLE v. SANCHEZ S123330 Petition for review denied B161296 Second Appellate District, Division Three Werdegar, J., was absent and did not participate. PEOPLE v. CARTER S123331 B169128 Second Appellate District, Petition for review denied Division Seven Werdegar, J., was absent and did not participate. PEOPLE v. BROWNLEE S123333 B163592 Second Appellate District, Petition for review denied

Werdegar, J., was absent and did not participate.

Division Two

S123335 FAIR HOUSING & EMPLOYMENT v. S.C.

B167641 Second Appellate District, (LAS BRISAS APARTMENT) Division Two Petition for review denied

Werdegar, J., was absent and did not participate.

PEOPLE v. SCHMIDT S123338

B163496 Second Appellate District, Petition for review denied Division Five

Werdegar, J., was absent and did not participate.

PEOPLE v. SORZANO S123340 C041930 Third Appellate District Petition for review denied

Werdegar, J., was absent and did not participate.

S123367 W. (ELIZABETH), IN RE Petition for review denied F042969 Fifth Appellate District

Werdegar, J., was absent and did not participate.

S123369 G. (CHARLES), IN RE

Petition for review denied C041288 Third Appellate District

> Kennard, J., and Chin, J., are of the opinion the petition should be granted.

> > Werdegar, J., was absent and did not participate.

S123382 THOMAS v. S.C. (PEOPLE)

A105667 First Appellate District, Petition for review denied Division Two

Werdegar, J., was absent and did not participate.

S123390 PEOPLE v. CALDWELL

B163497 Second Appellate District, Petition for review denied **Division Four**

Werdegar, J., was absent and did not participate.

S123394 P. (WILLIAM), IN RE B169816 Second Appellate District, Petition for review denied **Division Five**

S123396 PEOPLE v. SKOOR
D041190 Fourth Appellate District, Petition for review denied

Division One

Werdegar, J., was absent and did not participate.

S123399 PEOPLE v. MCCARTER B167845 Second Appellate District, Petition for review denied

Division Five

Werdegar, J., was absent and did not participate.

S123400 PEOPLE v. MENA

B164963 Second Appellate District, Petition for review denied Division Seven

Werdegar, J., was absent and did not participate.

S123421 PEOPLE v. TORRES
P165871 Second Appellate District Political for review denied

B165871 Second Appellate District, Petition for review denied Division Five

Werdegar, J., was absent and did not participate.

S123424 PEOPLE v. SHELMON
R164961 Second Appellate District Petition for raview denied

B164961 Second Appellate District, Petition for review denied Division Five

S123429 ABRAMSON v. JUNIPER NETWORKS

H025840 Sixth Appellate District Petition for review denied

George, C.J., was recused and did not

participate.

Werdegar, J., was absent and did not participate.

Werdegar, J., was absent and did not participate.

S123431 PEOPLE v. GAZCON

E033087 Fourth Appellate District, Petition for review denied Division Two

Werdegar, J., was absent and did not participate.

S123436 CORRIGAN v. COURT OF APPEAL 4/3
Petition for writ of mandate/prohibition denied

S123438
B171142 Second Appellate District,
Division Seven

PEOPLE v. COOPER
Petition for review denied

Werdegar, J., was absent and did not participate.

S123440 IRWIN v. GRATEFUL DEAD PRODUCTIONS, INC.

A099413 First Appellate District, Petition for review denied Division Two

Werdegar, J., was absent and did not participate.

S123441 VALDEZ v. S.C. (LOS ANGELES)

B173065 Second Appellate District, Petition for review denied

Division Eight

Werdegar, J., was absent and did not participate.

S123460 PEOPLE v. GUZMAN
P164651 Second Appellete District Petition for review denied

B164651 Second Appellate District, Petition for review denied Division One

Werdegar, J., was absent and did not participate.

S123466 PEOPLE v. DIXON
P164552 Second Appellete District Petition for raview denied

Division Six

F043253 Fifth Appellate District

B164552 Second Appellate District, Petition for review denied Division Six

Werdegar, J., was absent and did not participate.

S123469 KERR v. WCAB (COUNTY OF SANTA BARBARA)

B172342 Second Appellate District, Petition for review denied

Werdegar, J., was absent and did not participate.

S123472 PEOPLE v. MANRRIQUEZ

B173042 Second Appellate District, Petition for review denied

Division Two

Werdegar, J., was absent and did not participate.

S123473 PEOPLE v. RICHMOND

Petition for review denied

S123475 PEOPLE v. LUNA

F042032 Fifth Appellate District Petition for review denied

Werdegar, J., was absent and did not participate.

S123621 BROADNAX (LAWRENCE) ON H.C.

B172975 Second Appellate District, Petition for review and application for stay denied

Division Eight

Werdegar, J., was absent and did not participate.

S123730 TITTLE v BOTTORFF-TITTLE

G030715 Fourth Appellate District, Petition for review and application for stay denied

Division Three

Request for judicial notice denied.

Werdegar, J., was absent and did not participate.

S123751 MOODY v. S.C. (COUNTY)

B173997 Second Appellate District, Petition for review and application for stay denied Division Two

Werdegar, J., was absent and did not participate.

S124075 WADE v. S.C. (PEOPLE)

C046423 Third Appellate District Petition for review and application for stay denied

Werdegar, J., was absent and did not participate.

S116200 KHEN (SOPEE) ON H.C.

Petition for writ of habeas corpus denied

(See *In re Waltreus* (1965) 62 Cal.2d 218, *In re*

Swain (1949) 34 Cal.2d 300, 304.)

Werdegar, J., was absent and did not participate.

S116559 HOLDSWORTH (STEVEN) ON H.C.

A100884 First Appellate District, Petition for writ of habeas corpus denied Division Three

ATTERBERRY (WILLIE JOE) ON H.C. Petition for writ of habeas corpus denied

Werdegar, J., was absent and did not participate.

S117532

HARVEY (DAREION LEE) ON H.C. Petition for writ of habeas corpus denied

(See *In re Waltreus* (1965) 62 Cal.2d 218.)

Werdegar, J., was absent and did not participate.

S117742

JOHNSON (KEVIN B.) ON H.C.

Petition for writ of habeas corpus denied

Werdegar, J., was absent and did not participate.

S117749

GONZALEZ (ALFREDO) ON H.C.

Petition for writ of habeas corpus denied

(See In re Robbins (1998) 18 Cal.4th 770, 780)

Werdegar, J., was absent and did not participate.

S117752

HONG (SYYEN) ON H.C.

Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

Werdegar, J., was absent and did not participate.

S117758

DAFFIN (JEREMIAH E.) ON H.C.

Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Miller* (1941) 17 Cal.2d 734.)

DAWKINS (DOUGLAS) ON H.C.

Petition for writ of habeas corpus denied

Werdegar, J., was absent and did not participate.

S117760

GARCIA (ARMANDO) ON H.C.

Petition for writ of habeas corpus denied

Werdegar, J., was absent and did not participate.

S117775

WALKER (DONALD R.) ON H.C.

Petition for writ of habeas corpus denied

(See *People v. Floyd* (2003) 31 Cal.4th 179.)

Werdegar, J., was absent and did not participate.

S117782

COLBERT (GEORGE K.) ON H.C.

Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

Werdegar, J., was absent and did not participate.

S117785

HARDNEY (JOHN) ON H.C.

Petition for writ of habeas corpus denied

(See In re Robbins (1998) 18 Cal.4th 770, 780; In re Wessley W. (1981) 125 Cal.App.3d 240,

246.)

Werdegar, J., was absent and did not participate.

S117788

BUEZO (NOHEMY) ON H.C.

Petition for writ of habeas corpus denied

MARTINEZ (CARLOS) ON H.C.

Petition for writ of habeas corpus denied

(See In re Clark (1993) 5 Cal.4th 750; In re Robbins (1998) 18 Cal.4th 770, 780.)

Werdegar, J., was absent and did not participate.

S117794

JOHNSON (MARVIN) ON H.C.

Petition for writ of habeas corpus denied

Werdegar, J., was absent and did not participate.

S117849

MARIANO (KEVIN A.) ON H.C.

Petition for writ of habeas corpus denied

Werdegar, J., was absent and did not participate.

S117877

LOPEZ (ADAM R.) ON H.C.

Petition for writ of habeas corpus denied

Werdegar, J., was absent and did not participate.

S117897

GONZALES (JAVIER) ON H.C.

Petition for writ of habeas corpus denied

(See In re Robbins (1998) 18 Cal.4th 770, 780; *In re Dixon* (1953) 41 Cal.2d 756.)

Werdegar, J., was absent and did not participate.

S117928

PARKER (PHINEHAS I.) ON H.C.

Petition for writ of habeas corpus denied

(See In re Lindley (1947) 29 Cal.2d 709; In re

Dixon (1953) 41 Cal.2d 756.)

Werdegar, J., was absent and did not participate.

S117930

FLETCHER (WAYNE) ON H.C.

Petition for writ of habeas corpus denied

Werdegar, J., was absent and did not participate.

S117960

LOPEZ (MERCEDES P.) ON H.C.

Petition for writ of habeas corpus denied

Werdegar, J., was absent and did not participate.

S117963 REMEIDIO (ROMIRICO) ON H.C.

Petition for writ of habeas corpus denied

(See In re Clark (1993) 5 Cal.4th 750.)

Werdegar, J., was absent and did not participate.

S117967 EKDAHL (EMIL JOSEPH) ON H.C.

Petition for writ of habeas corpus denied

Werdegar, J., was absent and did not participate.

S118014 SLEDGE (DERRICK LEE) ON H.C.

Petition for writ of habeas corpus denied

Werdegar, J., was absent and did not participate.

S118029 DANIELS (PAUL BERNARD) ON H.C.

Petition for writ of habeas corpus denied

(See In re Robbins (1998) 18 Cal.4th 770, 780; In re Clark (1993) 5 Cal.4th 750; In re Miller (1941) 17 Cal.2d 734; In re Lessard (1965) 62 Cal.2d 497, 503; In re Dixon (1953) 41 Cal.2d

756.)

Werdegar, J., was absent and did not participate.

S118031 JACKSON (RONNEL) ON H.C.

Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

FRAMPTON (DWAYNE) ON H.C.

Petition for writ of habeas corpus denied

Werdegar, J., was absent and did not participate.

S118037

HARTLEY (DAVID L.) ON H.C.

Petition for writ of habeas corpus denied

(See In re Waltreus (1965) 62 Cal.2d 218.)

Werdegar, J., was absent and did not participate.

S118042

VELASQUEZ (JULIO) ON H.C.

Petition for writ of habeas corpus denied

Werdegar, J., was absent and did not participate.

S118093

FRYE (CHARLES A.) ON H.C.

Petition for writ of habeas corpus denied

(See In re Clark (1993) 5 Cal.4th 750; In re Robbins (1998) 18 Cal.4th 770, 780; In re Dixon (1953) 41 Cal.2d 756.)

Werdegar, J., was absent and did not participate.

S118103

REMEIDIO (ROMIRICO) ON H.C.

Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750.)

Werdegar, J., was absent and did not participate.

S118108

SENATOR (BRUCE) ON H.C.

Petition for writ of habeas corpus denied

(See *In re Dexter* (1979) 25 Cal.3d 921.)

PERKINS (RONALD) ON H.C.

Petition for writ of habeas corpus denied

(See In re Dixon (1953) 41 Cal.2d 756; In re Swain (1949) 34 Cal.2d 300, 304; People v. Duvall (1995) 9 Cal.4th 464, 474.)

Werdegar, J., was absent and did not participate.

S118225

SENATOR (BRUCE) ON H.C.

Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

Werdegar, J., was absent and did not participate.

S119256

DAWKINS (DOUGLAS L.) ON H.C.

Petition for writ of habeas corpus denied

(See In re Robbins (1998) 18 Cal.4th 770, 780; In re Dexter (1979) 25 Cal.3d 921.) Werdegar, J., was absent and did not participate.

S119576

SENATOR (BRUCE) ON H.C.

Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780) participate.

S119988

GODOW (DALE D.) ON H.C.

Petition for writ of habeas corpus DENIED.

(See *In re Waltreus* (1965) 62 Cal.2d 218; *In re Dixon* (1953) 41 Cal.2d 756.)

ALLDREDGE ("PAPA" JOSEPH) ON H.C. Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Miller* (1941) 17 Cal.2d 734.)

Werdegar, J., was absent and did not participate.

S121000

SMITH (DENNIS) ON H.C.

Petition for writ of habeas corpus denied

Werdegar, J., was absent and did not participate.

S122298

VELASQUEZ (JULIO) ON H.C.

Petition for writ of habeas corpus denied

Werdegar, J., was absent and did not participate.

S122061

B162846 Second Appellate District,

Division Six

TAYLOR v. LOCKHEED MARTIN CORPORATION

Depublication request denied (case closed)

Werdegar, J., was absent and did not participate.

S122779

B161642 Second Appellate District,

Division Seven

CUMMINGS v. GUNZER

Publication request denied (case closed)

Werdegar, J., was absent and did not participate.

S123127

F042263 Fifth Appellate District

PEOPLE v. WARREN

Publication request denied (case closed)

Werdegar, J., was absent and did not participate.

S116044

WAIWAIOLE (AMMON L.) ON H.C.

Extension of time granted

to May 12, 2004 to file petitioner's reply to the informal response.

COACHELLA VALLEY MOSQUITO v. CALIF. PUBLIC EMPLOYMENT RELATIONS BOARD (CALIF SCHOOL EMPLOYEES ASSOC.) Extension of time granted

to May 17, 2004 to file defendant and respondent's opening brief on the merits.

S121532

B167044 Second Appellate District, Division Seven JEVNE v. S.C. (JB OXFORD HOLDINGS) Application to appear as counsel pro hac vice granted

> Motion to intervene by NASD Dispute Resolution, Inc. and New York Stock Exchange, Inc. as additional real parties in interest, filed on March 19, 2004, is granted.

The request by the New York Stock Exchange, Inc., filed on March 19, 2004, that Douglas W. Henkin be admitted *pro hac vice* to serve as its counsel in this matter is granted.

George, C.J., and Baxter, J., were recused and did not participate.

Werdegar, J., was absent and did not participate.

S122240

B154557 Second Appellate District, Division Eight PEOPLE v. GONZALEZ Counsel appointment order filed

Sylvia Whatley Beckham is hereby appointed to represent appellant on his appeal now pending in this court.

Appellant's brief on the merits shall be served and filed on or before thirty (30) days from the date respondent's opening brief on the merits is filed.

S062770

PEOPLE v. BERGMAN (LAWRENCE E.) Record augmentation denied

Appellant's "Motion to Correct, Augment and Settle the Certified Record on Appeal," filed on March 29, 2004, is denied in its entirety.

PEOPLE v. STEWART (RICHARD B.)
Request for judicial notice granted

Appellant's motion for judicial notice, set forth in footnote 72 on page 442 of his opening brief filed October 15, 1998, is granted.

Werdegar, J., was absent and did not participate.

S109125

D038027 Fourth Appellate District, Division One SAN DIEGO UNIFIED SCHOOL DISTRICT v. COMMISSION ON STATE MANDATES (CALIF. DEPT. OF FINANCE) Orders filed (4)

- (1) Permission granted for two counsel to present oral argument on behalf of respondent.
- (2) Permission granted for respondent to allocate ten minutes oral argument time to amicus curiae California School Boards Assn.
- (3) The requests of counsel for appellant Commission on State Mandates and Real Party in Interest California Department of Finance to divide oral argument time is granted.
- (4) Permission granted for appellant and real party in interest to allocate 10 minutes oral argument time to Paul Starkey for appellant and 20 minutes to Susan Oie for real party in interest

S109597

H021541 Sixth Appellate District

TRAVIS v. COUNTY OF SANTA CRUZ Orders filed (2)

- (1) Permission granted for two counsel to present oral argument on behalf of respondent.
- (2) Permission granted for respondent to allocate 15 minutes oral argument time to amicus curiae City & County of S.F. and League of Calif. Cities.

B145982 Second Appellate District, B154520 Division One

PEOPLE v. WILKINSON Orders filed (2)

- (1) Permission granted for two counsel to present oral argument on behalf of appellant.
- (1) The request of Anthony Dain to allocate to Eric Larson 15 minutes of appellant's oral argument time is granted.

B170438 Second Appellate District

ARTHUR LUJAN v. SHALA MINAGAR

The above-entitled matter, now pending in the Court of Appeal, Second Appellate District, is transferred from Division Seven to Division Eight.

B170609 Second Appellate District

ANNE C. TAUBMAN v. U.S. BANK

The above-entitled matter, now pending in the Court of Appeal, Second Appellate District, is transferred from Division Eight to Division Seven.)

Bar Misc. 4186

IN THE MATTER OF THE APPLICATION OF THE COMMITTEE OF BAR EXAMINERS OF THE STATE BAR OF CALIFORNIA FOR ADMISSION OF ATTORNEYS

The written motion of the Committee of Bar Examiners that the following named applicants, who have fulfilled the requirements for admission to practice law in the State of California, be admitted to the practice of law in this state is hereby granted, with permission to the applicants to take the oath before a competent officer at another time and place:
(LIST OF NAMES ATTACHED TO ORIGINAL ORDER)